

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form. MHK

PLAINTIFF

COURT CASE NUMBER

Ricky Hamilton

08cv1268

DEFENDANT

TYPE OF PROCESS

J. Allen, et al.

S/C

SERVE

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN



Correctional Officer Edwards, Stateville Correctional Center

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

AT

S.C.C., C/O Legal Dept., P.O. Box 112, Joliet, IL 60432

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Ricky Hamilton, R-12533
Hill-Hill
P.O. Box 1700
Galesburg, IL 61401

Number of process to be served with this Form - 285

1

Number of parties to be served in this case

9

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

FILED

Fold

JUN 8 7 2008
6-27-2008MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Signature of Attorney or other Originator requesting service on behalf of:

 PLAINTIFF
 DEFENDANT

TELEPHONE NUMBER

DATE

06-03-08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	TD	Date
	2 of 9	No. 24	No. 24			06-03-08

I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below. I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

 A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

NOT ~~SEND~~ - additional information (i.e. Name, Budge #) needed in order to serve process.
There are several C.O's employed at Stateville and the name Edwards

Date of Service	Time	am
06/09/08		pm
Signature of U.S. Marshal or Deputy		

Service Fee	Total Mileage Charges (including court favors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>

REMARKS: Mailed Certified Mail 7007-0710-0000-9546-1580

W/ WALTER



Illinois
Department of
Corrections

Rod R. Blagojevich
Governor

Roger E. Walker Jr.
Director

DOC Legal Services / Stateville Correctional Center / Rt. 53 / P.O. Box 112 / Joliet, IL 60434 / Telephone: (815) 727-3623
Fax: (815) 727-3669
TDD: (800) 526-0844

June 9, 2008

Tomar Dicosta, Civil Desk
U.S. Marshal's Service
2444 Dirksen Federal Building
219 South Dearborn Street
Chicago, Illinois 60604

VIA FAX 312-886-0802

RE: Hamilton v J. Allen, et al
08 c 1268

Dear Ms. Dicosta:

In accordance with the above-captioned civil action, please be advised the following individuals can not be identified. Stateville Correctional Center has more than one:

C/Lt. Davis
C/O Edwards

Please feel free to contact me if you have any questions or need further information regarding this matter.

Sincerely,

A handwritten signature in black ink that reads 'Kathy Sandlin'.

Kathy Sandlin
Litigation Coordinator
DOC Legal Services-Stateville Correctional Center

File
cc:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

(DISTRICT)

Waiver of Service of Summons

TO: Ricky Hamilton

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Correctional Officer Edwards, Stateville Corr. Center acknowledge receipt of your request that I waive
 (DEFENDANT NAME)
 service of summons in the action of Ricky Hamilton vs. J.Allen, et al.
 (CAPTION OF ACTION)
 which is case number 08C1268 in the United States District Court for the
 (DOCKET NUMBER)
Northern District of Illinois
 (DISTRICT)

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after June 3, 2008
 (DATE REQUEST WAS SENT)
 or within 90 days after that date if the request was sent outside the United States.

 DATE

 SIGNATURE

Printed/Typed Name: _____

As _____ of _____
 TITLE _____
 CORPORATE DEFENDANT

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown to its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

Hamilton et al

CASE NUMBER: 08-cv-01268

v.

ASSIGNED JUDGE: Kocoras

Allen et al

DESIGNATED
MAGISTRATE JUDGE: Brown

TO: (Name and address of Defendant)

Edwards
Correctional Officer

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Ricky Hamilton
R-12533
Hill - HIL
P.O. Box 1700
Galesburg, IL 61401

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

NOTE: When the print dialogue box appears, be sure to uncheck the Annotations option.

MICHAEL W. DOBBINS, CLERK

KRYSTEN COPPOLA

(By) DEPUTY CLERK

DATE

MAY 30 2008

RECEIVED
UNITED STATES MARSHAL
2008 JUN - 3 PM 2:00
NORTHERN DISTRICT OF ILLINOIS
ADMINISTRATIVE-SECTION

AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ 		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ 		
<input type="checkbox"/> Returned unexecuted: _____ 		
<input type="checkbox"/> Other (specify): _____ 		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on _____	Date _____	<i>Signature of Server</i> _____
<i>Address of Server</i> _____		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	CHARLES P. KOCORAS	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	08 C 1268	DATE	May 29, 2008
CASE TITLE	Ricky Hamilton (R-12533) v. J. Allen, et al.		

DOCKET ENTRY TEXT:

Plaintiff is granted leave to file his complaint [1]. The Clerk shall issue summonses and send Plaintiff a Magistrate Judge Consent Form, Instructions for Submitting Documents, and a copy of this order. Plaintiff's motion for appointment of counsel [4] is denied without prejudice.

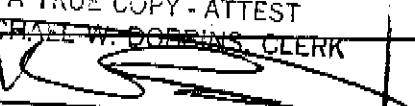
■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

On March 10, 2008, the Court ordered Plaintiff to show cause why his complaint should not be dismissed as untimely. Plaintiff responded that, although he filed a grievance shortly after the events in question, he has never received a response. He therefore could not file his complaint sooner because his administrative remedies had not been exhausted. In *Lewis v. Washington*, 300 F.3d 829 (7th Cir. 2002), the Court of Appeals held that an inmate's administrative remedies are deemed exhausted when prison officials fail to respond to his grievances, thus making the administrative remedies unavailable. Moreover, the time spent in exhausting administrative remedies is tolled for purposes of limitations on filing a federal complaint. See *Johnson v. Rivera*, 272 F.3d 519, 522 (7th Cir. 2001) (holding that "in the ordinary case, a federal court relying on the Illinois statute of limitations in a § 1983 case must toll the limitations period while a prisoner completes the administrative grievance process"). Plaintiff has therefore made a *prima facie* showing that the statute of limitations should be tolled and that his administrative remedies should be deemed exhausted. Plaintiff is accordingly granted leave to file his complaint.

Plaintiff is instructed to file all future papers concerning this action with the Clerk of Court in care of the prisoner correspondent. In addition, Plaintiff must send an exact copy of any filing to defendants or, if represented by counsel, to counsel for defendants. Plaintiff must include on the original filing a certificate of service stating to whom exact copies were mailed and the date of mailing. Any paper that is sent directly to the judge or otherwise fails to comply with these instructions may be disregarded by the Court or returned to Plaintiff.

A TRUE COPY - ATTEST
CHARLES W. DORRINS, CLERK
BY 
DEPUTY CLERK
U.S. DISTRICT COURT, NORTHERN
DISTRICT OF ILLINOIS
DATE: 5/30/08

Courtroom Deputy
Initials: 

2008 JUN - 3 PM 2:00
RECEIVED
CLERK OF THE
NORTHERN DISTRICT OF ILLINOIS
ADMINISTRATIVE SECTION
Page 1 of 2

STATEMENT

The United States Marshals Service is appointed to serve defendants. Any service forms necessary for Plaintiff to complete will be sent by the Marshal as appropriate to serve defendants with process. The U.S. Marshal is directed to make all reasonable efforts to serve defendants. With respect to former correctional employees who no longer can be found at the work address provided by plaintiff, the Illinois Department of Corrections shall furnish the Marshal with defendant's last-known address. The information shall be used only for purposes of effectuating service [or for proof of service, should a dispute arise] and any documentation of the address shall be retained only by the Marshal. Address information shall not be maintained in the court file, nor disclosed by the Marshal. The Marshal is authorized to mail a request for waiver of service to defendants in the manner prescribed by Fed. R. Civ. P. 4(d)(2) before attempting personal service.

The Court denies Plaintiff's motion for appointment of counsel without prejudice for failure to make a showing that he "has made reasonable efforts to retain counsel and was unsuccessful or that the indigent was effectively precluded from making such efforts." *Gil v. Reed*, 381 F.3d 649, 656 (7th Cir. 2004), quoting *Jackson v. County of McLean*, 953 F.2d 1070, 1072 (7th Cir. 1992).

Dated: May 29, 2008



CHARLES P. KOCORAS
U.S. District Court Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RICKY HAMILTON

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

ALLEN, EDWARDS,
WILSON, GRANT,
PALMA, JOHN DOE,
GIVENS, DAVIS, BROWN,
AND BUCZKOWSKI

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:



COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)



COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)



OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

KC FILED

MAY 29 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

08CV1268

Case No:

(To be supplied by the Clerk of this Court)

JUDGE KOCORAS

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

RECEIVED
UNITED STATES MARSHAL
2008 JUN -3 PM 2:01
NORTHERN DISTRICT OF ILLINOIS
ADMINISTRATIVE SECTION

I. Plaintiff(s):

A. Name: RICKY HAMILTON

B. List all aliases: NONE

C. Prisoner identification number: R12533

D. Place of present confinement: HILL CORRECTIONAL CENTER

E. Address: 600 S. Lincoln Rd., P.O. Box-1700, GALESBURG, IL 61402

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

A. Defendant: J. ALLEN
 Title: CORRECTIONAL OFFICER
 Place of Employment: STATEVILLE CORRECTIONAL CENTER

B. Defendant: EDWARDS
 Title: CORRECTIONAL OFFICER
 Place of Employment: STATEVILLE CORRECTIONAL CENTER

C. Defendant: GRANT
 Title: SERGEANT
 Place of Employment: STATEVILLE CORRECTIONAL CENTER

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

D. Defendant: Mark Wilson
Title: Lieutenant
Place of Employment: Stateville Correction Center

E. Defendant: John Doe
Title: Correctional Officer O
Place of Employment: Stateville Correctional Center

F. Defendant: Palma
Title: Correctional Officer
Place of Employment: Stateville Correctional Center

G. Defendant: Givens
Title: Lieutenant
Place of Employment: Stateville Correctional Center

H. Defendant: Davis
Title: Lieutenant
Place of Employment: Stateville Correctional Center

I. Defendant: Brown
Title: Lieutenant
Place of Employment: Stateville Of Correctional Center

J. Defendant: Buczkowski
Title: Lieutenant
Place of Employment: Stateville Correctional Center

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

A. Name of case and docket number: _____

B. Approximate date of filing lawsuit: _____

C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____

D. List all defendants: _____

E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____

F. Name of judge to whom case was assigned: _____

G. Basic claim made: _____

H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): _____

I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On THE DATE OF MAY 26, 2005
 I WAS INCARCERATED IN STATEVILLE CORRECTIONAL
 CENTER AND HOUSED IN THE SEGREGATION UNIT OF
F-HOUSE, CELL 134. AT OR AROUND 8:30 P.M. AN
INCIDENT TOOK PLACE WHERE I WITNESSED
LIEUTENANT WILSON, SERGEANT GRANT, CORRECTIONAL
OFFICER PALMA ALL ASSAULTING AN INMATE
NAMED "MUHAMMAD" (SHABAazz MUHAMMAD ID#
B82577). IT BEGAN WITH CORRECTIONAL OFFICER
ALLEN ARGUING WITH THE INMATE WHILE THE
INMATE WAS IN HIS CELL, AND AGAINST IDOC
PROTOCOL THE INMATE'S CELL WAS OPENED
WITHOUT HIM FIRST BEING CUFFED UP, WHEN
THE CELL WAS OPENED THE INMATE WAS
ATTACKED BY THE CORRECTIONAL OFFICERS.

ALL THE INDIVIDUALS HOUSED IN F-HOUSE DURING
 THIS TIME WERE ABLE TO WITNESS HOW THIS INMATE
 WAS GETTING SEVERELY BEATEN BY THE OFFICIALS EVEN
 AFTER HE WAS CUFFED UP; SO OTHER INMATES
 BEGAN TO YELL IN PROTEST AS THE INMATE WAS

KICKED AND STOMPED BLOODY AND EVENTUALLY DRAGGED INTO THE HALLWAY.

AFTER A SHORTE TIME LIEUTENANT DAVIS, LIEUTENANT BROWN, LIEUTENANT BUCHANNAN, LIEUTENANT GIVENS AND LIEUTENANT BUCZKOWSKI ARRIVED IN CELLHOUSE. LIEUTENANT BROWN AND LIEUTENANT GIVENS AT ONE POINT STARTED TO WALK THE FIRST GALLERY AND ONCE THEY REACHED THE AREA OF CELLS 129 AND 130 THE OCCUPANTS OF BOTH CELLS APPEARED TO BE VELING ABOUT THE TREATMENT OF THE INMATE "MUHAMMAD" AND WHEN THE LIEUTENANTS REACHED THESE CELLS THEY OPENED EACH OF THE CHUCKHOLES AND BOTH LIEUTENANT'S EMPTIED A CAN OF CHEMICAL AGENT INTO ONE OF THE CHUCKHOLES. BOTH LIEUTENANTS THEN WALKED AWAY LAUGHING, WHICH THEN CONTRIBUTED TO AN ADDITIONAL OUTCRY FROM THE INMATES HOUSED IN F. HOUSE AT THIS TIME.

(CONTINUED ON NEXT PAGE)

Being that the Plaintiff was in such close proximity to the area where the chemical agents were released (The Plaintiff was housed in cell 134 at the time), the Plaintiff began coughing and ~~CHOKING~~ from the excessiveness of the sprayings. , along with several other inmates who were also in proximity to the sprayings.

Eventually the Plaintiff and other inmates began to call out to Sergeant Grant and Lieutenant Wilson to open the back and front entrances to relieve them of the excess chemical agents that were in the air because it was extremely hard to breath . Instead of addressing the Plaintiff. pleas Lieutenant Wilson along with several other Officers started to dance around and say that that they were alright because they had AFLAC insurance and that it was too bad we didnt. This contributed to additional agitation of the overall situation.

The inmates from cells 129 and 130 were taken out of their cells, one individual was taken into the Sergeant's office and placed in a chair and was beaten in the face and body by Lieutenant Givens, Which further contributed to the agitation and chaos that was going on that evening.

Moments later Sergeant Grant began to walk the first floor gallery while smoking a cigarette and he stopped at the back entrance while smoking and he eventually tossed his cigarette towards the trash bin and walked away, a while later the trash started to burn, there were 2 very large trash bins filled with about 15 to 20 large bags of garbage containing toxic styrofoam trays , platters and other miscellaneous pieces of trash including

about 20 large cardboard boxes.

AS the fire began to burn and increase in size it became increasingly harder to breathe with the smoke in conjuction with the chemical agent the was released earier. The Plaintiff and other inmates started yelling for someone to put out the fire and medical attention yet were ignored by all the officials who were banded together ^{AT} the front of the cellhouse. The offical instead of seeing to the safety of the inmates they continued to beat and assault the inmates that were taken into the hallway holding area.

When the fire began to rage at its max the water , the lights and all the electricity in the cellhouse was shutoff. The Plaintiff was forced to suffer the full force of the smoke from the fire which was burning several feet from his cell and the lingering effects of the chemical agents with no fans to circulate air and no water to drink or clear his throat or eyes with. As the Plaintiff states in his initial Grievance he had to result to drinking the unsanitary water out of his toilet.

As the fire burned the Plaintiff states he and otherscontin- ually called for some type of medical attention but were ignored as more and more officials were gathered and evetually the Orange Crush Tactical team was called , which comprised of about 20 to 30 officers; and instead of them providing any assistance to the inmates who were trapped inside their cells they had a list of inmates and cells they would spray with a chemical agent then extract from their cell and then assault. This went on for several hours.

During the entirty of this incident no Statevill official was injured nor were any shots fired. the only individuals injuredf during the entirty of this incident were the inmates housed in this segregation unit. After the fire was over, which began at or around 9:00 p.m. and did not die out until at or around 2:00 a.m., no medical treatment was provided to the Plaintiff whatsoever.

The totality of these circumstances reflect the ultimate negligent and criminalistic practices of the officials at Stateville Correctional Center against inmates with practices of excessive force , beatings, malicious use of chemical agents and other unconstitutional conditions practiced by the Department of Corrections staff members at Stateville Correctional Center.

The Defendant, Correctional Officer J.Allen, was negligent and responsible for the incident which caused the Plaintiff to inhale for hours the toxis smoke from the fires that burned for hours several feet from the Plaintiffs cell and the Defendant C/O J.Allen subjected the Plaintiff to inhale the excess chemical agent that was sprayed.C/O J.Allen was the first person to strike the inmate by the name of Muhammad Shabazz ID#B-82577, which in turn created the chain of events that followed.C/O J.Allen continued to beat and assault the Inmate "Muhammad" in front of the entire ceklhouse , causing much agitation,fear and despair to everyone who watched.C/o J.Allen stood by and watched a very large fire blaze for hours without attempting to put it out for the safety of ther Plaintiff and others housed in F-House at that time, by the time C/O J.Allen did attempt to do something , the fire had died down on it ,
's own

and his effortsn only worsened the situation by making the fire smoke more than it was previously insteads of fully putting it out.Correctional Officer J.Allen's actions and lack of actions in totality show his deliberate indifference which denied the Plaintiff safety and security to his health and show that the Plaintiff was subjected to cruel and unusual punishment.

The Defendant, Correctional Officer Edwards,was also a culpable in the incident which subjected the Plaintiff to cruel and unusual punishment and also ultimately denied him protection to his health and safety. C/O Edwards was one of the officials who participated in the initial assault and beating of the inmate "Muhammad" and stood by while other staff members assaulted and sprayed chemical agents upon inmates for no apparent reason, and C/O Edwards failed to attempt to put out the fire that blazed for several hours in the cellhouse he was responsible for.

The Defendant,Lieutenant Wilson, was the in-house liemtenant at the time of the incident.Lt.Wilson failed to control his officer's and other staff members when they first broke protocol and opened a segregated inmates cell without first having that inmate secured in restraints.Lt.Wilson failed to stop or prevent the attack on the inmate by his correctional officers and in fact aided in the assault by spraying the inmate with a chemical agent after he was already restrained.Lt.Wilson exhibited deliberate indifference when he ignored the Plaintiff and other inmates pleas for help from the chemical agents and he in fact tauted and mocked the inmates pleas by dancing around saying that luckily he and his officers had AFLAC insurance and that it was too bad we did not.Therefore the defendant Lt.Wilson subjected the

Plaintiff to cruel and unusual punishment , Lt.Wilson could have prevented the entire incident had he choose to do so, Lt. Wilson could at anytime ordered someone to put out the fire and stopped the beatings that ensued that evening , ultimately denying the Plaintiff protection of his health and safety.

The Defendant, Sergeant Grant, was the in-house sergeant at the time of the incident and bears alot of responsibility of everything that transpired the evening of May 26,2005.Sergeant Grant subjected the Plaintiff to cruel and unusual punishment and denied the Plaintiff protection of his health and safety by aiding in the initial assault on the inmate "Muhammad", failed to acknowledge the Plaintiff and other inmates plea for help and relief from the fires and chemical agents.Sergeant Grant could have ordered someone to put out the raging fire when it first started instead he allowed it to burn and endanger the life of the Plaintiff.

The Defendant, Correctional Officer Palma,subjected the Plaintiff to cruel and unusual punishment and failed to uphold his responsibility of protecting all inmates health and safety, for he assisted int the assault and beating of the inmate "Muhammad".C/O Palma failed to even attempt to put out the fire that raged for hours in his cellhouse.This C/O contributted to the further agitation of the overall situation by taunting the Plaintiff and other inmates when they were pleading for help. C/o Palma also at one point ripped a number of inmates mail infront of the entire cellhouse, which contributed to the overall agitation of the situation.

The Defendant ,John Doe, the Plaintiff is unaware of the name and identity of this defendant but this defendant was the official that was stationed in the tower Of Stateville F-house on May 26,2005 during this incident. The defendant John Doe showed deliberate indifference and subjected the Plaintiff to cruel and unusual punishment by turning off all the electricity, lights, water and toilet functions when the fire began to rage. This is also the Officer who opened the cell of the inmate "Muhammad" without this inmate being in restraints, so officers could assault him.

The Defendant ,Lieutenant Brown, was culpable in the Plaintiff's subjection to cruel and unusual punishment. Lieutenant Brown without warrant and maliciously released a chemical agent upon an inmate , which in turn forced the Plaintiff to suffer the painful effects of the chemical agent also without warrant. Lieutenant Brown failed to protect the health and safety of the Plaintiff for he failed to put forth any effort to put out the fire and also ignored the Plaintiff and other inmates pleas for sometype of medical attention.

The Defendant,Lieutenant Givens, caused the Plaintiff to endure cruel and unusual punishment and demonstrated clear deliberate indifference where he,stood and watched as the fire for hours without attempting to put it out, and maliciously used a chemical agent on an inmate several cells from the Plaintiff therefore subjecting the Plaintiff to suffer the effects also, the Defendant Givens also laughed at the fact that the Plaintiff and other inmates were suffering.Lieutenant Givens also failed to protect the health and safety of the Plaintiff because he also assaulted

also assaulted and beat an inmate in the sergeants office,in front of the entire cellhouse causing further agitation,despare and fear.

The Defendant,Lieutenant "Buck" Buckkowski, caused the Plaintiff to endure cruel and unusual punishment and demonstrated clear deliberate indifference where he stood and watched as the fire blazed outside of the Plaintiffs cell and at one point stood with fire extinguisher in hand without immediately putting out the fire ,instead waiting until the fire died down almost completely, on its own , before he finaally did choose to spray it.

All of the above defendants contributed to the mental and physical anguish the Plaintiff has suffered due to this incident, that same night of the incident thew Plaintiff requested medical attention yet was told that nothing was wrong with him, therefore was not able to recievee a proper evaluation by trained medical staff. To this day the Plaintiff has suffered reoccuring nightmares and mental anguish due to this incident which he states in his grievance and to the Springfield investigator he spoke to about the incident, that on that he believed he was going to die. The Plaintiff also has developpd breathing and heart problems which may be attributtal to the extreme amount of smoke and chemical agents he inhaled that night ,which could have all been avoided if the named officials provided the safety and security as they were hired and sworn to provide under the Eight Amendment of the United States Constitution guarrentees.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I WOULD LIKE TO BE AWARDED \$54,000.00 FROM EACH OFFICIAL INVOLVED, FOR COMPENSATORY DAMAGE, AS WELL AS NOMINAL AND PUNITIVE DAMAGES FOR THEIR DELIBERATE INDIFFERENCE AND FAILURE TO PROTECT MY HEALTH AND SAFETY FOR THE SUM OF \$450,000.00 AND THESE DEFENDANTS BE PROSECUTED FOR CIVIL RIGHTS VIOLATIONS AND WHATEVER THE COURT DEEMS APPROPRIATE

VI. The plaintiff demands that the case be tried by a jury. YES NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this FEB, day of 26, 2008

Ricky Hamilton

(Signature of plaintiff or plaintiffs)

RICKY HAMILTON
(Print name)

R12533
(I.D. Number)

Hill C.C.

P.O. Box 1700

GALESBURG, IL. 61402
(Address)

State of Illinois)
County of Cook)

Affidavit

I Anthony Conley, first being duly sworn and under oath depose and say:

I was housed in F-House on the date May 26, 2005, and on this date an incident transpired where numerous Stateville correctional officers beat and assaulted an inmate by the name of "Muhammad" in front of the entire cellhouse.

That incident subsequently led and or contributed to the events that followed. That evening, in which several Lieutenant's (Brown and Givens) maliciously and without warrant sprayed a chemical agent upon several inmates several cells away fromn Ricky Hamilton and myself.

That spraying led to breathing problems for most of the individuals in the area such as Mr.Hamilton and myself. Mr.Hamilton and myself were pleading for officials to open the back and front entrances or else call for medical assistance to relieve us of the adverse effects of the chemical agents. Instead of the officials addressing our pleas for help they mocked and taunted us by stating "To bad for yall,luckily for us we have AFLAC".

Eventually I witnessed Sergeant Grant around the back entrance smoking a cigarette, which he threw into the garbage and that garbage subsequently caught fire and burned for apprx. 4 hours. When the fire began to blaze several feet from Mr.Hamilton's cell I heard him calling out to several officer's and Lieutenant's to come put out the fire and get him a nurse because he said he could hardly breathe, yet the officials chose to ignore all of his and my pleas for help. The officials turned off all electricity, lights and water at one point and left them off through the entire ordeal

which made the situation much worse.

At one point it was revealed to me that on May 30, 2005
C/O Palmer had destroyed all mail and grievances that were
turned in concerning the May 26th incident. This was only one
instance of several that I personally heard or witnessed that
displayed the officials at Stateville C.C. wanted to cover-up
the May, 26, 2005 incident.

Pursuant to 28 USC 1746, 18 USC 1621, or 735 ILCS 5/109,
under penalty of perjury, I declare everything contained herein is
true and accurate to the best of my knowledge and belief.

Signed on this Jan day of 23, 2008

Anthony Conley
AFFIANT

Date: <u>MAY 29, 2005</u>	Offender: (Please Print) <u>RICKY HAMILTON</u>	ID#: <u>R12533</u>
Present Facility: <u>STATEVILLE</u>	Facility where grievance issue occurred: <u>STATEVILLE</u>	
NATURE OF GRIEVANCE:		
<input type="checkbox"/> Personal Property <input type="checkbox"/> Mail Handling <input type="checkbox"/> Restoration of Good Time <input type="checkbox"/> Disability <input checked="" type="checkbox"/> Staff Conduct <input type="checkbox"/> Dietary <input checked="" type="checkbox"/> Medical Treatment <input type="checkbox"/> HIPAA <input type="checkbox"/> Transfer Denial by Facility <input type="checkbox"/> Transfer Denial by Transfer Coordinator <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Disciplinary Report: <u>/ /</u> Date of Report: _____ Facility where issued: _____		
<p>Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.</p> <p>Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:</p> <p>Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.</p> <p>Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.</p> <p>Chief Administrative Officer, only if EMERGENCY grievance.</p> <p>Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.</p>		
<p>Brief Summary of Grievance: <u>ON THE DATE OF MAY, 26-2005, I MR. HAMILTON - R12533 WAS IN CELL F-132 AND AT OR AROUND 8:30 THERE WAS A VERY BIG INCIDENT THAT TOOK PLACE WHEREAS CORRECTIONAL OFFICERS CREATED A FIGHT WITH AN INMATE KNOWN AS "MUHAMMAD" IN CELL F-109 AND AFTER THE BEATING OF THAT INMATE THERE WAS ABOUT 12 TO 14 OR MORE S/O'S THAT CAME TO THE UNIT ALONG WITH TWO LT'S (BROWN & GIVENS), THE TWO LT'S THEN WALKED THE FIRST FLOOR GALLERY IN F-HOUSE AND ONCE THE TWO LT'S MADE IT TO CELLS 129 AND 130</u></p> <p>Relief Requested: <u>I AM REQUESTING \$54,000.00 FROM EACH OFFICIAL INVOLVED IN THIS INCIDENT AND \$450,000.00 FOR MY PAIN AND SUFFERING.</u></p>		
<input type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.		
<u>Ricky Hamilton</u> <small>Offender's Signature</small>		<u>R12533</u> <small>ID#</small> <u>5/29/05</u> <small>Date</small>
<small>(Continue on reverse side if necessary)</small>		
Counselor's Response (If applicable)		
Date Received: <u>/ /</u>	<input type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277.	
Response: _____ _____ _____ _____ _____		
Print Counselor's Name	Counselor's Signature	Date of Response: <u>/ /</u>
EMERGENCY REVIEW		
Date Received: <u>/ /</u>	Is this determined to be of an emergency nature? <input type="checkbox"/> Yes; expedite emergency grievance <input type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.	
Chief Administrative Officer's Signature		Date: <u>/ /</u>

THEY EACH PULLED OUT A CAN OF MACE EACH AND PLACED THEM INTO THE CHUCKHOLE AND PROCEEDED TO EMPTY THE CANS OF MACE IN THAT CELL. BEING THAT I WAS IN CELL 132 AND IN SUCH CLOSE PROXIMITY I BEGAN TO VIOLENTLY GAG FOR BREATH AND HAD MY CELLMATE ALONG WITH SEVERAL OTHER INMATES BEGAN TO CALL FOR A MED-TECH BUT WE WERE TOLD THAT THERE WAS NOTHING WRONG WITH US, RIGHT AFTER ALL OF THIS A SGT. AND LT. WILSON WERE IN THE FRONT OF THE CELLHOUSE LAUGHING AND DANCING YELLING THAT THEY WERE OK. BECAUSE THEY HAD AFIAAC % EDWARDS, % ALLEN, % PALMA AND LT. WILSON WERE THE ONES THAT CREATED THIS INCIDENT, THIS ALL STEMMING AFTER INMATE "MUHAMMAD" OF CELL 109 WAS ALLOWED OUT OF HIS CELL WITH NO HANDCUFFS TO FIGHT WITH SEVERAL C/O's.

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AFTER THE SGT. & LT. WILSON WERE LAUGHING ABOUT THEIR INSURANCE THE SGT. BEGAN TO WALK CLEARLY GATHERING A LONG CIGARETTE AND WHEN HE MADE IT TO THE BACK EXIT WITH HIS CIGARETTE HE FLICKED IT INTO THE TRASH, WHEREAS LATER ON THE TRASH BINS, WHICH WERE IN FRONT OF CELLS 130 & 129, BEGAN TO BURN, AND THE SGT. ALONG WITH THE OTHER WORKING LT.'S & C/O'S STOOD IN FRONT OF THE CELLHOUSE AND WATCHED AS THE FIRE CONSUMED BOTH TRASH BINS AND WHILE THIS WAS HAPPENING THE POWER IN F-HOUSE WAS SHUT OFF WHICH RESULTED IN NO LIGHTS, NO WATER, AND THE TOILETS WERE NOT WORKING. DURING THIS TIME I WAS CHOKING AND GAGGING EXTREMELY HARD FROM NOT ONLY THE MACE THAT WAS LINGERING BUT ALSO FROM THE ENORMOUS FIRE THAT BURNING RIGHT BY MY CELL, I WAS UNDER THE IMPRESSION THAT I WAS GOING TO DIE, I RESULTED IN HAVING TO DRINK WATER OUT OF THE TOILET, MY CHEST AND SINUSES WHERE BURNING FOR 2 TO 3 DAYS, I ASKED THE MED-TECHS THOMAS AND WENDY COULD I BE ALLOWED TO SEE THE DOCTOR AND NOBODY WAS ALLOWED TO SEE THE DOCTOR FOR ABOUT A WEEK.

I AM REQUESTING \$54,000.00 FROM EACH OFFICIAL THAT STOOD BY AND WATCHED THE FIRE BURN BY MY CELL AND IGNORED MY PLEAS FOR MEDICAL ASSISTANCE. THE MAJOR PERPATRATORS BEING LT "BUCK" AND % ALLEN THAT STOOD AT THE BACK DOOR WITH A SPRAY CAN AND DID NOT SPRAY UNTIL THE FIRE WENT OUT, A FIRE THAT CONTAINED 12 TO 15 LARGE BAGS OF TRASH CONTAINING TOXIC STYROFOAM TRAYS ALONG WITH THE PLASTIC OF THE TRASH BIN ITSELF. THIS FIRE WENT ON FOR 2 SHIFTS, NOT ONE OFFICIAL WAS INJURED AND NO SHOTS WERE FIRED, ONLY INMATES WERE INJURED BY THIS INCIDENT, I WOULD LIKE TO BE AWARDED \$450,000.00 FOR MY PAIN AND SUFFERING.